THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.8791 OF 2000

Between:

Sri Subbaraya Picture Palace, Ponnur, represented by its partners A.Srinivasarao, GunturDistrict.

…….Petitioner

Vs.

1) The Joint Collector & Licensing Authority, Guntur
2) The Sub-Collector, Tenali, Guntur District
3) The Mandal Revenue Officer, Ponur, Guntur District.

……..Respondents

THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.8791 OF 2000

O R D E R:

The petitioner is a Cinema Theater holding Form-B license issued under Rule 12 (2) of the Andhra Pradesh Cinema Regulation Rules, 1970.

This writ petition is filed seeking a declaration that the order passed by the first respondent-Joint Collector, dated 09.05.2000 revoking the B-Form license of the petitioner with immediate effect in exercise of the powers conferred under Section 10 of the Andhra Pradesh Cinema Regulation Act, 1955 as arbitrary and illegal.

Though it is not in dispute that a show cause notice, dated 09.05.2000 was issued calling upon the petitioner to explain as to why the Form-B license should not be revoked alleging violation of some of the conditions of the license, it is pleaded by the petitioner that the said notice was served on

the petitioner on 13.05.2000 and on the same day the impugned order dated 09.05.2000 was also served revoking the license. Thus, it is contended that the impugned order was in violation of the principles of natural justice and liable to be set aside on that ground alone.

Though Rule Nisi was ordered long back, the respondents did not choose to file counter affidavit.

The material placed before this Court substantiates the plea of the petitioner that the show cause notice as well as the impugned order were issued on the same day i.e., 09.05.2000.

In the circumstances, the impugned order which is on the face of it is in violation of the principles of natural justice is hereby set aside and the writ petition is allowed.

However, this shall not preclude the respondents to initiate appropriate proceedings afresh, following due process of law. No order as to costs.

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G.ROHINI J.,

Dt.13.09.2007
tjs